

**AMENDMENTS TO THE CLAIMS:**

Please amend claims 45 and 62 as follows. This listing of the claims replaces all prior versions and listing of claims in the application.

**LISTING OF CLAIMS:**

1 – 44            Cancelled

45.        (Currently amended) A nucleic acid molecule that encodes a mutant adeno-associated virus (AAV) Rep protein that has increased activity, wherein increased activity of the Rep protein is manifested as an increased titer of virus upon introduction and replication in a host cell of virus encoding the mutant Rep protein compared to the titer of virus upon introduction and replication of a virus containing a wild type Rep gene.

46.        (original) A cell, comprising the nucleic acid molecule of claim 45.

47 - 61            Cancelled

62.        (Currently amended) A nucleic acid molecule of claim 45, comprising mutations at one or more of residues, wherein the mutations comprise replacements of codons encoding the native amino acid residue(s) selected from among the group consisting of: T by N at position 350 (SEQ ID No. 747); T by I at position 462 (SEQ ID No. 747); P by R at position 497 (SEQ ID No. 747); P by L at position 497 (SEQ ID No. 747); P by Y at position 497 (SEQ ID No. 747); T by N at position 517 (SEQ ID No. 747); G by D at position 598(SEQ ID No. 747); G by S at position 598 (SEQ ID No. 747); or V by P at position 600 of AAV-2 (SEQ ID No. 747) or the corresponding residues in other serotypes, wherein:

residue 1 corresponds to residue 1 of the Rep78 protein encoded by nucleotides 321-323 SEQ ID No. 746 of the AAV-2 genome; and

whereby the activity of the mutant Rep protein is increased as assessed by rAAV production compared to the native Rep protein.

63. – 69. Cancelled

70.        (Original) A recombinant AAV, comprising the nucleic acid molecule of claim 62.

71. – 77. Cancelled

78.        (Original) A cell, comprising the recombinant AAV of claim 70.

79- 93. Cancelled

94.        (Previously presented) The nucleic acid of claim 62, wherein the Rep protein is Rep 78, Rep 68, Rep 52 or Rep 40.

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95. (Previously presented) The nucleic acid of claim 62, wherein the AAV is an AAV-1, AAV-2, AAV-3, AAV-3b, AAV-4, AAV-5 or AAV6; wherein the mutation is in the equivalent position in each serotype; and wherein the listed residues are the positions in AAV-2.